NEW APPLICATION

BEFORE THE ARIZONA CORPORATION COMMISSION

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In the matter of:

Guttman, husband and wife,

NOTICE:

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COMMISSIONERS

ROBERT "BOB" BURNS - Chairman BOYD DUNN SANDRA D. KENNEDY JUSTIN OLSON LEA MÁRQUEZ PETERSON

Jerry L. Guttman (CRD# 1078383) and Lori)

Respondents.

DOCKET NO. S-21083A-19-0241

NOTICE OF OPPORTUNITY FOR HEARING REGARDING PROPOSED ORDER OF REVOCATION AND OTHER AFFIRMATIVE ACTION

EACH RESPONDENT HAS 10 DAYS TO REQUEST A HEARING EACH RESPONDENT HAS 30 DAYS TO FILE AN ANSWER

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") alleges that Respondent Jerry L. Guttman has engaged in acts, practices, and transactions that constitute violations of the Securities Act of Arizona, A.R.S. § 44-1801 et seq. ("Securities Act").

I.

JURISDICTION

1. The Commission has jurisdiction over this matter pursuant to Article XV of the Arizona Constitution and the Securities Act.

II.

RESPONDENTS

- 2. At all relevant times, Respondent Jerry L. Guttman ("Guttman") was a resident of Arizona.
- 3. Lori Guttman ("Respondent Spouse") was at all relevant times the spouse of Respondent Jerry L. Guttman. Respondent Spouse is joined in this action under A.R.S. § 44-2031(C).

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 At all relevant times, Jerry L. Guttman and Respondent Spouse were acting for their own benefit and on behalf of and for the benefit of the marital community.

III.

FACTS

- Guttman was registered with the Commission as a salesman in association with United Planners' Financial Services of America ("United") from on or about November 1, 2001, until October 3, 2017.
- At all relevant times, United has been registered with the Commission as a securities dealer.
- On November 1, 2001, Guttman became registered with the Financial Industry Regulatory Authority ("FINRA") as an investment company products/variable contracts representative in association with United.
- On January 8, 2009, Guttman also became registered with FINRA as an investment company products/variable contracts principal with United.
- From on or around September 16, 2008, to May 24, 2017, Guttman sold securities in the form of membership interests in at least six limited liability companies to several United customers.
- None of the foregoing securities transactions were recorded on the records of
 United, with whom Guttman was registered at the time of the transactions.
- 11. On or around September 20, 2017, United discharged Guttman after determining that he had offered an unapproved product to the public and clients of the firm.
- On November 15, 2017, Guttman submitted a Letter of Acceptance, Waiver, and Consent ("AWC") to FINRA in connection with Disciplinary Proceeding No. 201755800301.
- 13. Pursuant to the AWC, Guttman consented to findings that between September 2008 and May 2017, he sold membership interests in at least six different limited liability companies to United customers without first disclosing the sales to United, in violation of FINRA rules.

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1	14. Pursuant to the AWC, Guttman consented to a bar in all capacities, effective upon
2	acceptance of the AWC by FINRA.
3	15. On November 15, 2017, FINRA accepted the AWC, effectively revoking Guttman's
4	registrations with FINRA.
5	IV.
6	REMEDIES PURSUANT TO A.R.S. § 44-1962
7	(Revocation of Registration of Salesman and other Affirmative Action)
8	 Guttman's conduct is grounds to revoke Guttman's registration as a securities salesman
9	with the Commission pursuant to A.R.S. § 44-1962. Specifically, Guttman:
10	 a) Is subject to an order of an administrative tribunal, an SRO or the SEC denying,
11	suspending or revoking membership or registration as a broker or dealer in securities or an investment
12	adviser or investment adviser representative for at least six months within the meaning of A.R.S. § 44-
13	1962(A)(8); and
14	b) Engaged in dishonest or unethical practices in the securities industry within the
15	meaning of A.R.S. § 44-1962(A)(10) by, while registered as a salesman, effecting securities
16	transactions which have not been recorded on the records of the dealer with whom such salesman is
17	registered at the time of the transaction within the meaning of A.A.C. R14-4-130(A)(17).
18	17. Guttman's conduct is grounds to assess other affirmative action pursuant to A.R.S. §
19	44-1962. Specifically, Guttman engaged in dishonest or unethical practices in the securities
20	industry within the meaning of A.R.S. § 44-1962(A)(10).
21	V.
22	REQUESTED RELIEF
23	The Division requests that the Commission grant the following relief:
24	 Order the revocation or suspension of Guttman's registration as a securities salesman
55	nursuant to A R S & 44-1962:

 Order Guttman to take affirmative action to correct the conditions resulting from Guttman's acts, practices, or transactions;

- Order that Guttman and Respondent Spouse be subject to any order regarding any such affirmative action; and
 - Order any other relief that the Commission deems appropriate.

VI.

HEARING OPPORTUNITY

Each respondent including Respondent Spouse may request a hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306. If a Respondent or a Respondent Spouse requests a hearing, the requesting respondent must also answer this Notice. A request for hearing must be in writing and received by the Commission within 10 business days after service of this Notice of Opportunity for Hearing. The requesting respondent must deliver or mail the request to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007. Filing instructions may be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web site at http://www.azcc.gov/divisions/hearings/docket.asp.

If a request for a hearing is timely made, the Commission shall schedule the hearing to begin 20 to 60 days from the receipt of the request unless otherwise provided by law, stipulated by the parties, or ordered by the Commission. If a request for a hearing is not timely made the Commission may, without a hearing, enter an order granting the relief requested by the Division in this Notice of Opportunity for Hearing.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Kacie Cannon, ADA Coordinator, voice phone number (602) 542-3931, e-mail kcannon@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation. Additional information about the administrative action procedure may be found at http://www.azcc.gov/divisions/securities/enforcement/AdministrativeProcedure.asp

VII.

ANSWER REQUIREMENT

Pursuant to A.A.C. R14-4-305, if a Respondent or a Respondent Spouse requests a hearing, the requesting respondent must deliver or mail an Answer to this Notice of Opportunity for Hearing to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007, within 30 calendar days after the date of service of this Notice. Filing instructions may be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web site at http://www.azcc.gov/divisions/hearings/docket.asp.

Additionally, the answering respondent must serve the Answer upon the Division. Pursuant to A.A.C. R14-4-303, service upon the Division may be made by mailing or by hand-delivering a copy of the Answer to the Division at 1300 West Washington, 3rd Floor, Phoenix, Arizona, 85007, addressed to Chris Nichols.

The Answer shall contain an admission or denial of each allegation in this Notice and the original signature of the answering respondent or respondent's attorney. A statement of a lack of sufficient knowledge or information shall be considered a denial of an allegation. An allegation not denied shall be considered admitted.

When the answering respondent intends in good faith to deny only a part or a qualification of an allegation, the respondent shall specify that part or qualification of the allegation and shall admit the remainder. Respondent waives any affirmative defense not raised in the Answer.

The officer presiding over the hearing may grant relief from the requirement to file an Answer for good cause shown.

Dated this 2nd day of October, 2019.

Mark Dinell

Director of Securities